

REMARKS

It is noted for the record, that this application stands ALLOWED, and this RCE filing is being filed on August 8, 2004, the date the issue fee is due, under 37 C.F.R. §1.10 as Express Mail to preserve priority. No amendments have been made to the claims. Applicants propose that the claims remain allowable on the merits.

Under MPEP §1308(1)(A), the filing of a request for continued examination (RCE) under 37 C.F.R. §1.114 (with fee) is sufficient to withdraw the underlying application from issue and reopen prosecution to consider the Information Disclosure Documents filed herein.

MPEP §1308(1)(A) specifically cautions Applicants against filing an RCE and thereafter paying the issue fee. As a consequence no issue fee has been paid in this application.

Kindly enter the enclosed amendment above in the record along with the accompanying filing documents.

In attached papers, Applicants request correction of the official Filing Receipt to correctly reflect the items noted therein. Appropriate notice of correction is respectfully solicited. A new and correct Declaration, Oath, and Power of Attorney is enclosed for the record.

Applicants additionally request correction of the electronic record to correctly reflect the "small entity" status of the applicant, the complete and full title acknowledged by the Examiner as correct (in page 2, first para. of his August 27, 2003 Office Action), and to correctly record the proper priority identification number (PCT/RU99/00197) in the records.

The following items are noted in the record:

Applicants thank Mr. Lennard Smith and Susan of the PCT office for their assistance provided on August 2, 2004 in our telephone conference, their comments in review of the present filing situation, and their recommendations on how to proceed with the present filing.

A proper claim was timely made at the international stage of the international application to link the PCT application correctly with Russia 98117706 filed September 29,

1998. A complete and timely application was made to enter the US national phase, inclosing all necessary documents and filings for entry, including (1) a complete translation, (2) a declaration identifying the same inventors, (3) a complete filing fee and (4) small entity declarations identifying the present application. Applicants propose that the minor typographical error has been overcome with the present filing and request notice of the same.

Applicant's note:

(a) the record is replete with clear evidence that Applicant's error (in mistyping PCT/RU99/00197 as incorrect PCT/RU98/00197);

(b) was a mistake of clerical or typographic nature, and is of minor character;

Note for example, that the PCT date is June 16, 1999 obviously requiring the PCT number to be XX99 format.

(c) that it is clear from the record that Applicant's attempts to claim priority were in good faith and appropriate. Obviously, the PCT parent application contains the same disclosure by the same inventors and cannot predate its own parent application RU9811776.

(e) a new clean declaration is provided noting the correct PCT number.

As a consequence, Applicant requests entry on the record that the office acknowledges the correct priority claim has been made, or corrected where earlier incompletely made. Applicant provides herein in support, a correct and complete declaration, oath, and power of attorney signed by each of the inventors noting the correct claim to PCT/RU99/00197.

Applicants also request notice of the complete transfer of the PCT/International file copy for PCT/RU99/00197, including the certified copy of RU98117706, from the International Office to the US Domestic Office, and entry into the record of the present application.

It is noted that a paper IDS/PTO-1449 is enclosed. Additional Information Disclosure Documents have been filed simultaneously via the ePave/eIDS system. Acknowledgment of receipt of both the paper and electronic IDS submissions is requested in any subsequent office communication.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 10-0100.

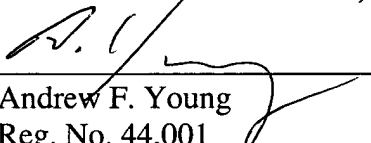
No new matter has been added.

If the Examiner would like to discuss the present application, claims, amendments or other matters, Applicant would appreciate a courtesy call to discuss placing the application in condition for allowance.

In the spirit of condensed and streamlined practice, if the Examiner believes that a telephone conference would be of value, he is respectfully requested to call the undersigned counsel at the number listed below for prompt response.

Early and favorable action is respectfully solicited.

Very truly yours,
LACKENBACH SIEGEL, LLP


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Enclosures:

- (1) This Amendment
- (2) Request to correct the official Filing Receipt
- (3) Request to correct filing status to SMALL ENTITY
- (4) Declaration - newly executed
- (5) IDS and IDC references

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Date: August 4, 2004